

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHNNY CARL GROGAN

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:14CV359-RHW

PARVEEN KUMAR

DEFENDANT

JUDGMENT

The above-captioned matter was presented for trial before a duly sworn and empaneled jury on September 26-27, 2018. After the parties rested their respective cases, the undersigned instructed the jury on the applicable law. The jury deliberated and then announced its unanimous verdict in open court. Upon review of the verdict form submitted to and completed by the jury, the Court finds that the jury found by a preponderance of the evidence that Defendant Parveen Kumar violated Plaintiff Johnny Carl Grogan's federal constitutional right to adequate medical care and awarded Plaintiff Johnny Carl Grogan \$500.00 for the harm caused by this constitutional violation.

The Court further finds that Plaintiff, as the prevailing party, shall be awarded as costs his filing fees in the amount of \$855.00. *See* 28 U.S.C. §1920; Fed. R. App. P. 39(e)(4); *Sivori v. Epps*, No. 2:07cv79-MTP, 2009 WL 1421067, at *3 (S.D.Miss. May 19, 2009) (citing *Dean v. Thomas*, 933 F.Supp. 600 (S.D.Miss. 1996)). Hence, the total award owed from Defendant is \$1,355.00; however, only \$616.74 shall be paid directly to Plaintiff. At the outset of litigation, the Court granted Plaintiff's motion to proceed *in forma pauperis*. Doc. [8]. Thus, the Court permitted Plaintiff to file his complaint without prepayment of the \$350.00 filing fee. Plaintiff later filed a notice of appeal and the Court permitted Plaintiff to proceed on appeal without prepayment of the \$505.00 filing fee. Doc. [118]. Plaintiff subsequently paid by installments

\$116.74 credited to the district court filing fee. He has made no payments towards the appellate court filing fee. Thus, there is an unpaid balance of \$738.26 for filing fees owed to the Court by Plaintiff.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff Johnny Grogan shall recover \$500.00 in damages from Defendant Parveen Kumar, with legal interest thereon until paid.

IT IS FURTHER ORDERED that costs in the amount of \$855.00 shall be taxed to Defendant Parveen Kumar. To satisfy this obligation, Defendant Parveen Kumar is directed to pay \$233.26 to the United States District Court and \$505.00 to the United States Court of Appeals. The remaining \$116.74 shall be paid to Plaintiff to cover his out-of-pocket costs for filing fees, making a total amount of **\$616.74** due from Defendant to Plaintiff to be paid into Plaintiff's inmate trust account.

The Clerk is directed to mail copies of this order to Plaintiff and to Premier Supply Link for MDOC Inmate Accounts, P.O. Box 97538, Pearl, Mississippi 39288.

SO ORDERED AND ADJUDGED, this the 15th day of October, 2018.

/s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE